

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KENNEDY LEE TASKER

VS.

RELIABLE CARRIERS, INC. and
TRAVIS SMITH

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CIVIL ACTION NO. 1:21-cv-00321

JURY TRIAL REQUESTED

DEFENDANTS' NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Defendants, RELIABLE CARRIERS, INC. and TRAVIS SMITH, file this Notice of Removal pursuant to 28 U.S.C. §§1441 and 1446, showing the following basis for removal.

INTRODUCTION

1. Plaintiff, KENNETH LEE TASKER, filed Plaintiff's Original Petition against Defendants on June 3, 2021 under Cause No. D210124-C, pending in the 260th Judicial District Court of Orange County Texas. Citations upon the Defendants were issued on June 4, 2021.

2. Defendant, RELIABLE CARRIERS, INC., was served with Plaintiff's Original Petition on June 11, 2021.

3. Defendant, TRAVIS SMITH, was served with Plaintiff's Original Petition on June 8, 2021.

4. This original Notice of Removal is filed within thirty days of service upon Byron Trucking, Inc. the statutory period for removal as required under 28 U.S.C. §1446(b).

JURISDICTION

5. This court has removal jurisdiction over this lawsuit pursuant to 28 U.S.C. §§1441 and 1446(b)(3) and based upon diversity of citizenship under 28 U.S.C. §1332.

6. Plaintiff, KENNEDY LEE TASKER, is domiciled in Louisiana and is a citizen of that state.

7. Defendant, RELIABLE CARRIERS, INC., is incorporated in the state of Tennessee with its principal place of business in Manchester, Tennessee and therefore a citizen of that state.

8. Defendant, TRAVIS SMITH, , is domiciled in Tennessee and is a citizen of that state.

9. Thus, there is diversity of citizenship between Plaintiff and Defendants.

10. Additionally, consistent with TEX. R. CIV. P. 47, Plaintiff makes a claim for damages of a monetary amount over \$1,000,000.00 in the Original Petition alleging the following personal injuries and damages: past and future medical expenses; past and future physical pain and suffering; past and future mental anguish; past and future disfigurement; and past and future loss of household services. Therefore, the amount in controversy exceeds the court's \$75,000 jurisdictional minimum, excluding interest and costs, consistent with 28 U.S.C. §1332(a).

11. All pleadings, process, orders, and other filings in the state court action in the possession of Defendants is attached to this notice as required by 28 U.S.C. §1446(a).

12. Venue is proper in this district under 28 U.S.C. 1391(b)(2) because the sole basis for Plaintiff's suit and claim for damages arose from the incident which occurred in

Orange County, Texas.

13. Defendants will promptly file a copy of this Notice of Removal with the clerk of the state court where the action has been pending.

JURY DEMAND

14. Plaintiff did demand a jury in the state court suit, and defendants request one with the filing of this removal.

CONCLUSION

For these reasons, Defendants, RELIABLE CARRIERS, INC. and TRAVIS SMITH therefore give notice of removal of this lawsuit to this Court, and an automatic stay of further proceedings in state district court.

Respectfully submitted,

/s/ *Wade R. Quinn*

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Attorneys for Defendants,
RELIABLE CARRIERS, INC. and
TRAVIS SMITH

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by facsimile, certified mail, return receipt requested, first class U.S. mail, electronic mail by the clerk of the court, and/or by messenger on the 22nd day of June, 2021.

/s/ *Wade R. Quinn*

Wade R. Quinn

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